

REMARKSI. Introduction

The following comments are provided in response to the Office Communication dated July 6, 2006. In this Office Communication, the Patent Office requests comments in support of Applicants' amendments to the claims as found in the communication dated April 11, 2006.

In Applicants' communication dated April 11, 2006, claims 23 and 41 were amended to recite a system for delivering medication that includes "a control system having an algorithm for controlling medication delivery by the infusion pump; wherein the control system includes; a plurality of medication delivery profiles for delivering a medication from the medication reservoir to a user including a basal profile and a square wave bolus profile or a dual wave bolus profile". In response to this Amendment, the Patent Office requests Applicants to identify support for this amendment in order to ensure compliance with Section 112, first paragraph.

II. Response to Office Communication

In response to the Office Communication, Applicants first note that the claims as amended April 11, 2006 recite a medication delivery system having a control system that includes a plurality of medication delivery profiles for delivering a medication from the medication reservoir to a user. This plurality of medication profiles includes a basal profile; and further a square wave bolus profile or a dual wave bolus profile. Consequently, this claim recites two alternatives for a plurality of medication delivery profiles included in the control system. A first alternative is a basal profile and a square wave bolus profile. A second alternative is a basal profile and a dual wave bolus profile.

Section 112, first paragraph support for this amendment can be found for example in the paragraph bridging pages 3-4, in particular the text that teaches:

"In preferred embodiments of the invention, medication delivery is controlled using two or more medication delivery profiles, such as wave profiles. Exemplary wave profiles include a square wave bolus profile, a dual wave bolus profile or a basal profile."

In this context, Applicants' claims recite two alternative embodiments of the invention that is disclosed for example at page 3. The two or more medication delivery profiles recited in these

alternatives are selected from those explicitly identified at page 3 as exemplary embodiments of the two or more medication delivery profiles. The first embodiments of the invention having two or more medication delivery profiles as taught at page 3 is one having a basal profile and a square wave bolus profile. The second embodiments of the invention having two or more medication delivery profiles as taught at page 3 is one having a basal profile and a dual wave bolus profile.

Further support for these amendments can be found for example in original claim 28 which is reproduced below:

28. (ORIGINAL) The system of claim 24, wherein the **more than one** wave profiles are selected from the group including a **square wave bolus profile**, a **dual wave bolus profile** and a **basal profile**.

This language in claim 28 states that the more than one wave profile (e.g. two wave profiles) are to be selected from the wave profiles recited in this Markush group. The more than one wave profiles recited in amended claims 23 and 41 are simply those selected from the explicitly articulated members of this Markush group.

As shown by the portions of the instant application that are reproduced above, Applicants' original filing provides sufficient written description support to inform a skilled artisan that applicant was in possession of the subject matter recited in the pending claims. Consequently, these amendments to the claims comply with the requirements of Section 112, first paragraph.

III. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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